

110TH CONGRESS  
2D SESSION

# H. RES. 1345

Impeaching George W. Bush, President of the United States, of high crimes  
and misdemeanors.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2008

Mr. KUCINICH submitted the following resolution

JULY 15, 2008

By motion of the House, referred to the Committee on the Judiciary

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## RESOLUTION

Impeaching George W. Bush, President of the United States,  
of high crimes and misdemeanors.

1       *Resolved*, That President George W. Bush be im-  
2 peached for high crimes and misdemeanors, and that the  
3 following Article of Impeachment be exhibited to the  
4 United States Senate:

5       An Article of Impeachment exhibited by the House  
6 of Representatives of the United States of America in the  
7 name of itself and the people of the United States of  
8 America, in maintenance and support of its impeachment

1 against President George W. Bush for high crimes and  
2 misdemeanors.

3 ARTICLE ONE—DECEIVING CONGRESS WITH FAB-  
4 RICATED THREATS OF IRAQ WMDs TO FRAUDU-  
5 LENTLY OBTAIN SUPPORT FOR AN AUTHORIZATION  
6 OF THE USE OF MILITARY FORCE AGAINST IRAQ

7 In his conduct while President of the United States,  
8 George W. Bush, in violation of his constitutional oath to  
9 faithfully execute the Office of President of the United  
10 States, and to the best of his ability, preserve, protect,  
11 and defend the Constitution of the United States, and in  
12 violation of his constitutional duty under article II, section  
13 3 of the Constitution “to take care that the laws be faith-  
14 fully executed,” deceived Congress with fabricated threats  
15 of Iraq Weapons of Mass Destruction to fraudulently ob-  
16 tain support for an authorization for the use of force  
17 against Iraq and used that fraudulently obtained author-  
18 ization, then acting in his capacity under article II, section  
19 2 of the Constitution as Commander in Chief, to commit  
20 U.S. troops to combat in Iraq.

21 To gain congressional support for the passage of the  
22 Joint Resolution to Authorize the Use of United States  
23 Armed Forces Against Iraq, the President made the fol-  
24 lowing material representations to the Congress in S.J.  
25 Res. 45:

1           1. That Iraq was “continuing to possess and  
2           develop a significant chemical and biological weapons  
3           capability. . . .”

4           2. That Iraq was “actively seeking a nuclear  
5           weapons capability. . . .”

6           3. That Iraq was “continuing to threaten the  
7           national security interests of the United States and  
8           international peace and security.”

9           4. That Iraq has demonstrated a “willingness  
10          to attack, the United States. . . .”

11          5. That “members of al Qaeda, an organization  
12          bearing responsibility for attacks on the United  
13          States, its citizens and interests, including the at-  
14          tacks that occurred on September 11, 2001, are  
15          known to be in Iraq. . . .”

16          6. The “attacks on the United States of Sep-  
17          tember 11, 2001, underscored the gravity of the  
18          threat that Iraq will transfer weapons of mass de-  
19          struction to international terrorist organiza-  
20          tions. . . .”

21          7. That Iraq “will either employ those weapons  
22          to launch a surprise attack against the United  
23          States or its Armed Forces or provide them to inter-  
24          national terrorists who would do so. . . .”

1           8. That an “extreme magnitude of harm that  
2           would result to the United States and its citizens  
3           from such an attack. . . .”

4           9. That the aforementioned threats “justify ac-  
5           tion by the United States to defend itself. . . .”

6           10. The enactment clause of section 2 of S.J.  
7           Res. 45, the Authorization of the Use of the United  
8           States Armed Forces authorizes the President to  
9           “defend the national security interests of the United  
10          States against the threat posed by Iraq. . . .”

11          Each consequential representation made by the Presi-  
12          dent to the Congress in S.J. Res. 45 in subsequent  
13          iterations and the final version was unsupported by evi-  
14          dence which was in the control of the White House.

15          To wit:

16               1. Iraq was not “continuing to possess and de-  
17               velop a significant chemical and biological weapons  
18               capability. . . .”

19                       “A substantial amount of Iraq’s chemical  
20                       warfare agents, precursors, munitions and pro-  
21                       duction equipment were destroyed between  
22                       1991 and 1998 as a result of Operation Desert  
23                       Storm and United Nations Special Commission  
24                       (UNSCOM) actions. There is no reliable infor-  
25                       mation on whether Iraq is producing and stock-

1 piling chemical weapons or whether Iraq has or  
2 will establish its chemical warfare agent produc-  
3 tion facilities.”

4 The source of this information is the De-  
5 fense Intelligence Agency, a report called,  
6 “Iraq—Key WMD Facilities—An Operational  
7 Support Study,” September 2002.

8 “Statements by the President and Vice  
9 President prior to the October 2002 National  
10 Intelligence Estimate regarding Iraq’s chemical  
11 weapons production capability and activities did  
12 not reflect the intelligence community’s uncer-  
13 tainties as to whether such production was on-  
14 going.”

15 The source of this information is the Sen-  
16 ate Select Committee on Intelligence, a report  
17 entitled “Report on Whether Public Statements  
18 Regarding Iraq By U.S. Government Officials  
19 Were Substantiated By Intelligence Informa-  
20 tion.” June 5, 2008.

21 “In April and early May 2003, military  
22 forces found mobile trailers in Iraq. Although  
23 intelligence experts disputed the purpose of the  
24 trailers, administration officials repeatedly as-  
25 serted that they were mobile biological weapons

1 laboratories. In total, President Bush, Vice  
2 President Cheney, Secretary Rumsfeld, Sec-  
3 retary Powell, and National Security Advisor  
4 Rice made 34 misleading statements about the  
5 trailers in 27 separate public appearances.  
6 Shortly after the mobile trailers were found, the  
7 Central Intelligence Agency and the Defense In-  
8 telligence Agency issued an unclassified white  
9 paper evaluating the trailers. The white paper  
10 was released without coordination with other  
11 members of the intelligence community, how-  
12 ever. It was later disclosed that engineers from  
13 the Defense Intelligence Agency who examined  
14 the trailers concluded that they were most likely  
15 used to produce hydrogen for artillery weather  
16 balloons. A former senior intelligence official re-  
17 ported that ‘only one of 15 intelligence analysts  
18 assembled from three agencies to discuss the  
19 issue in June endorsed the white paper conclu-  
20 sion.’”

21 The source of this information is the  
22 House Committee on Government Reform, mi-  
23 nority staff, “Iraq on the Record: Bush Admin-  
24 istration’s Public Statements about Chemical  
25 and Biological Weapons.” March 16, 2004.

1           Former chief of CIA covert operations in  
2           Europe, Tyler Drumheller, has said that the  
3           CIA had credible sources discounting weapons  
4           of mass destruction claims, including the pri-  
5           mary source of biological weapons claims, an in-  
6           formant who the Germans code-named  
7           “Curveball” whom the Germans had informed  
8           the Bush administration was a likely fabricator  
9           of information including that concerning the  
10          Niger yellowcake forgery. Two other former  
11          CIA officers confirmed Drumheller’s account to  
12          Sidney Blumenthal who reported the story at  
13          Salon.com on September 6, 2007, which in fact  
14          is the media source of this information.

15                 “In practical terms, with the destruction of  
16                 the al Hakam facility, Iraq abandoned its ambi-  
17                 tion to obtain advanced biological weapons  
18                 quickly. The Iraq Survey Group (ISG) found no  
19                 direct evidence that Iraq, after 1996, had plans  
20                 for a new biological weapons program or was  
21                 conducting biological weapons-specific work for  
22                 military purposes. Indeed, from the mid-1990s,  
23                 despite evidence of continuing interest in nu-  
24                 clear and chemical weapons, there appears to be  
25                 a complete absence of discussion or even inter-

1 est in biological weapons at the Presidential  
2 level. In spite of exhaustive investigation, the  
3 Iraq Survey Group found no evidence that Iraq  
4 possessed, or was developing, biological weapon  
5 agent production systems mounted on road ve-  
6 hicles or railway wagons. The Iraq Survey  
7 Group harbors severe doubts about the source's  
8 credibility in regards to the breakout program.”  
9 That's a direct quote from the “Comprehensive  
10 Report of the Special Advisor to the Director of  
11 Central Intelligence on Iraq's WMD,” com-  
12 monly known as the Duelfer report by Charles  
13 Duelfer.

14 “While a small number of old, abandoned  
15 chemical munitions have been discovered, the  
16 Iraq Survey Group judges that Iraq unilaterally  
17 destroyed its undeclared chemical weapons  
18 stockpile in 1991. There are no credible indica-  
19 tions that Baghdad resumed production of  
20 chemical munitions thereafter, a policy the Iraq  
21 Survey Group attributes to Baghdad's desire to  
22 see sanctions lifted, or rendered ineffectual, or  
23 its fear of force against it should WMD be dis-  
24 covered.”

1           The source of this information, the “Com-  
2           prehensive Report of the Special Advisor to the  
3           Director of Central Intelligence on Iraq’s  
4           WMD,” Charles Duelfer.

5           2. Iraq was not “actively seeking a nuclear  
6           weapons capability.”

7           The key finding of the Iraq Survey  
8           Group’s report to the Director of Central Intel-  
9           ligence found that “Iraq’s ability to reconstitute  
10          a nuclear weapons program progressively de-  
11          cayed after that date. Saddam Husayn (sic)  
12          ended the nuclear program in 1991 following  
13          the Gulf War. Iraq Survey Group found no evi-  
14          dence to suggest concerted efforts to restart the  
15          program.”

16          The source of this information, the “Com-  
17          prehensive Report of the Special Advisor to the  
18          Director of Central Intelligence on Iraq’s  
19          WMD,” Charles Duelfer.

20          Claims that Iraq was purchasing uranium  
21          from Niger were not supported by the State  
22          Department’s Bureau of Intelligence and Re-  
23          search in the National Intelligence Estimate of  
24          October 2002.

1           The CIA had warned the British Govern-  
2           ment not to claim Iraq was purchasing uranium  
3           from Niger prior to the British statement that  
4           was later cited by President Bush, this accord-  
5           ing to George Tenet of the Central Intelligence  
6           Agency on July 11, 2003.

7           Mohamed ElBaradei, the Director General  
8           of the International Atomic Energy Agency, in  
9           a “Statement to the United Nations Security  
10          Council on The Status of Nuclear Inspections  
11          in Iraq: An Update” on March 7, 2003, said as  
12          follows:

13           “One, there is no indication of resumed  
14          nuclear activities in those buildings that were  
15          identified through the use of satellite imagery  
16          as being reconstructed or newly erected since  
17          1998, nor any indication of nuclear-related pro-  
18          hibited activities at any inspected sites. Second,  
19          there is no indication that Iraq has attempted  
20          to import uranium since 1990. Three, there is  
21          no indication that Iraq has attempted to import  
22          aluminum tubes for use in centrifuge enrich-  
23          ment. Moreover, even had Iraq pursued such a  
24          plan, it would have been—it would have en-  
25          countered practical difficulties in manufacturing

1 centrifuges out of the aluminum tubes in ques-  
2 tion. Fourthly, although we are still reviewing  
3 issues related to magnets and magnet produc-  
4 tion, there is no indication to date that Iraq im-  
5 ported magnets for use in a centrifuge enrich-  
6 ment program. As I stated above, the IAEA  
7 (International Atomic Energy Agency) will nat-  
8 urally continue to further scrutinize and inves-  
9 tigate all of the above issues.”

10 3. Iraq was not “continuing to threaten the na-  
11 tional security interests of the United States.”

12 “Let me be clear: analysts differed on sev-  
13 eral important aspects of [Iraq’s biological,  
14 chemical, and nuclear] programs and those de-  
15 bates were spelled out in the Estimate. They  
16 never said there was an ‘imminent’ threat.”

17 George Tenet, who was Director of the  
18 CIA, said this in Prepared Remarks for Deliv-  
19 ery at Georgetown University on February 5,  
20 2004.

21 “We have been able to keep weapons from  
22 going into Iraq. We have been able to keep the  
23 sanctions in place to the extent that items that  
24 might support weapons of mass destruction  
25 have had some controls on them. It’s been quite

1 a success for 10 years.” The source of this  
2 statement, Colin Powell, Secretary of State, in  
3 an interview with Face the Nation, February  
4 11, 2001.

5 On July 23, 2002, a communication from  
6 the Private Secretary to Prime Minister Tony  
7 Blair, “Memo to British Ambassador David  
8 Manning” reads as follows: “British Secret In-  
9 telligence Service Chief Sir Richard Billing  
10 Dearlove reported on his recent talks in Wash-  
11 ington. There was a perceptible shift in atti-  
12 tude. Military action was now seen as inevi-  
13 table. Bush wanted to remove Saddam through  
14 military action, justified by the conjunction of  
15 terrorism and WMD. But the intelligence and  
16 facts were being fixed around the policy. The  
17 NSC had no patience with the U.N. route and  
18 no enthusiasm for publishing material on the  
19 Iraqi regime’s record. There was little discus-  
20 sion in Washington of the aftermath after mili-  
21 tary action. The Foreign Secretary said he  
22 would discuss this with Colin Powell this week.  
23 It seemed clear that Bush had made up his  
24 mind to take military action, even if the timing  
25 was not yet decided. But the case was thin.

1 Saddam Hussein was not threatening his neigh-  
2 bors, and his WMD capability was less than  
3 that of Libya, North Korea or Iran. We should  
4 work up a plan for an ultimatum to Saddam to  
5 allow back in the U.N. weapons inspectors. This  
6 would also help with the legal justification for  
7 the use of force.”

8 4. Iraq did not have the “willingness to attack,  
9 the United States.”

10 “The fact of the matter is that both bas-  
11 kets, the U.N. basket and what we and other  
12 allies have been doing in the region, have suc-  
13 ceeded in containing Saddam Hussein and his  
14 ambitions. His forces are about one-third their  
15 original size. They really don’t possess the ca-  
16 pability to attack their neighbors the way they  
17 did 10 years ago.” The source of this quote,  
18 Colin Powell, Secretary of State, in a transcript  
19 of remarks made to German Foreign Minister  
20 Joschka Fischer in February 2001.

21 The October 2002 National Intelligence  
22 Estimate concluded that “Baghdad for now ap-  
23 pears to be drawing a line short of conducting  
24 terrorist attacks with conventional or chemical  
25 or biological weapons against the United States,

1           fearing that exposure of Iraqi involvement  
2           would provide Washington a stronger case for  
3           making war.”

4           5. Iraq had no connection with the attacks of  
5           9/11 or with al Qaeda’s role in 9/11.

6           “The report of the Senate Select Com-  
7           mittee on Intelligence documents significant in-  
8           stances in which the administration went be-  
9           yond what the intelligence community knew or  
10          believed in making public claims, most notably  
11          on the false assertion that Iraq and al Qaeda  
12          had an operational partnership and joint in-  
13          volvement in carrying out the attacks of Sep-  
14          tember 11.” This is a quote from Senator John  
15          D. Rockefeller, IV, the chairman of the Senate  
16          Select Committee on Intelligence entitled “Ad-  
17          ditional Views of Chairman John D. Rocke-  
18          feller, IV” on page 90.

19                  Continuing from Senator Rockefeller:

20                 “The President and his advisors undertook  
21                 a relentless public campaign in the aftermath of  
22                 the attacks to use the war against al Qaeda as  
23                 a justification for overthrowing Saddam Hus-  
24                 sein. Representing to the American people that  
25                 the two had an operational partnership and

1 posed a single, indistinguishable threat was fun-  
2 damentally misleading and led the Nation to  
3 war on false premises.” Senator Rockefeller.

4 Richard Clarke, a National Security Advi-  
5 sor, in a memo of September 18, 2001, titled  
6 “Survey of Intelligence Information on Any  
7 Iraq Involvement in the September 11 Attacks”  
8 found no “compelling case” that Iraq had either  
9 planned or perpetrated the attacks, and that  
10 there was no confirmed reporting on Saddam  
11 cooperating with bin Laden on unconventional  
12 weapons.

13 On September 17, 2003, President Bush  
14 said: “No, we’ve got no evidence that Saddam  
15 Hussein was involved with September 11. What  
16 the Vice President said was is that he (Sad-  
17 dam) has been involved with al Qaeda.”

18 On June 16, 2004, a staff report from the  
19 9/11 Commission stated: “There have been re-  
20 ports that contacts between Iraq and al Qaeda  
21 also occurred after bin Laden had returned to  
22 Afghanistan in 1996, but they do not appear to  
23 have resulted in a collaborative relationship.  
24 Two senior bin Laden associates have ada-  
25 mantly denied that any ties existed between al

1           Qaeda and Iraq. We have no credible evidence  
2           that Iraq and al Qaeda cooperated on attacks  
3           against the United States.”

4           “Intelligence provided by former Undersec-  
5           retary of Defense Douglas J. Feith to buttress  
6           the White House case for invading Iraq in-  
7           cluded ‘reporting of dubious quality or reli-  
8           ability’ that supported the political views of sen-  
9           ior administration officials rather than the con-  
10          clusions of the intelligence community, this ac-  
11          cording to a report by the Pentagon Inspector  
12          General.

13          “Feith’s office ‘was predisposed to finding  
14          a significant relationship between Iraq and al  
15          Qaeda,’ according to portions of the report re-  
16          leased by Senator Carl Levin. The Inspector  
17          General described Feith’s activities as ‘an alter-  
18          native intelligence assessment process.’” The  
19          source of this information is a report in the  
20          Washington Post dated February 9, 2007, page  
21          A-1, an article by Walter Pincus and Jeffrey  
22          Smith entitled “Official’s Key Report on Iraq is  
23          Faulted, ‘Dubious’ Intelligence Fueled Push for  
24          War.”

1           6. Iraq possessed no weapons of mass destruc-  
2           tion to transfer to anyone.

3           Iraq possessed no weapons of mass de-  
4           struction to transfer. Furthermore, available in-  
5           telligence information found that the Iraq re-  
6           gime would probably only transfer weapons of  
7           mass destruction to terrorist organizations if  
8           under threat of attack by the United States.

9           According to information in the October  
10          2002 National Intelligence Estimate (NIE) on  
11          Iraq that was available to the administration at  
12          the time that they were seeking congressional  
13          support for the authorization of use of force  
14          against Iraq, the Iraq regime would probably  
15          only transfer weapons to a terrorist organiza-  
16          tion if “sufficiently desperate” because it feared  
17          that “an attack that threatened the survival of  
18          the regime were imminent or unavoidable.”

19          “The Iraqi Intelligence Service (IIS) prob-  
20          ably has been directed to conduct clandestine  
21          attacks against the United States and Allied in-  
22          terests in the Middle East in the event the  
23          United States takes action against Iraq. The  
24          IIS probably would be the primary means by  
25          which Iraq would attempt to conduct any chem-

1           ical and biological weapon attacks on the U.S.  
2           homeland, although we have no specific intel-  
3           ligence information that Saddam’s regime has  
4           directed attacks against U.S. territory.”

5           7. Iraq had no weapons of mass destruction and  
6           therefore had no capability of launching a surprise  
7           attack against the United States or its Armed  
8           Forces and no capability to provide them to inter-  
9           national terrorists who would do so.

10                 Iraq possessed no weapons of mass de-  
11                 struction to transfer. Furthermore, available in-  
12                 telligence information found that the Iraq re-  
13                 gime would probably only transfer weapons of  
14                 mass destruction to terrorist organizations if  
15                 under severe threat of attack by the United  
16                 States.

17                 According to information in the October  
18                 2002 National Intelligence Estimate on Iraq  
19                 that was available to the administration at the  
20                 time they were seeking congressional support  
21                 for the authorization of the use of force against  
22                 Iraq, the Iraqi regime would probably only  
23                 transfer weapons to a terrorist organization if  
24                 “sufficiently desperate” because it feared that  
25                 “an attack that threatened the survival of the

1 regime were imminent or unavoidable.” That,  
2 again, from the October 2002 National Intel-  
3 ligence Estimate on Iraq.

4 “The Iraqi Intelligence Service probably  
5 has been directed to conduct clandestine attacks  
6 against U.S. and Allied interests in the Middle  
7 East in the event the United States takes ac-  
8 tion against Iraq. The Iraq Intelligence Service  
9 probably would be the primary means by which  
10 Iraq would attempt to conduct any chemical or  
11 biological weapons attacks on the U.S. home-  
12 land, although we have no specific intelligence  
13 information that Saddam’s regime has directed  
14 attacks against U.S. territory.”

15 As reported in the Washington Post on  
16 March 1, 2003, in 1995, Saddam Hussein’s  
17 son-in-law, Hussein Kamel, had informed U.S.  
18 and British intelligence officers that “all weap-  
19 ons—biological, chemical, missile, nuclear—  
20 were destroyed.” That from the Washington  
21 Post, March 1, 2003, page A15, an article enti-  
22 tled “Iraqi Defector Claimed Arms Were De-  
23 stroyed By 1995,” by Colum Lynch.

24 The Defense Intelligence Agency, in a re-  
25 port called “Iraq—Key WMD Facilities—An

1           Operational Report Study” in September 2002,  
2           said this:

3                   “A substantial amount of Iraq’s chemical  
4           warfare agents, precursors, munitions and pro-  
5           duction equipment were destroyed between  
6           1991 and 1998 as a result of Operation Desert  
7           Storm and United Nations Special Commission  
8           (UNSCOM) actions. There is no reliable infor-  
9           mation on whether Iraq is producing and stock-  
10          piling chemical weapons or whether Iraq has or  
11          will establish its chemical warfare agent produc-  
12          tion facilities.”

13           8. There was not a real risk of an “extreme  
14          magnitude of harm that would result to the United  
15          States and its citizens from such an attack” because  
16          Iraq had no capability of attacking the United  
17          States.

18                   Here’s what Colin Powell said at the time:  
19                   “Containment has been a successful policy, and  
20                   I think we should make sure that we continue  
21                   it until such time as Saddam Hussein comes  
22                   into compliance with the agreements he made  
23                   at the end of the Gulf War.” Speaking of Iraq,  
24                   Secretary of State Powell said, “Iraq is not  
25                   threatening America.”

1           9. The aforementioned evidence did not “justify  
2           the use of force by the United States to defend  
3           itself” because Iraq did not have weapons of mass  
4           destruction, or have the intention or capability of  
5           using nonexistent WMDs against the United States.

6           10. Since there was no threat posed by Iraq to  
7           the United States, the enactment clause of the Sen-  
8           ate Joint Resolution 45 was predicated on  
9           misstatements to Congress.

10          Congress relied on the information provided to it by  
11          the President of the United States. Congress provided the  
12          President with the authorization to use military force that  
13          he requested. As a consequence of the fraudulent represen-  
14          tations made to Congress, the United States Armed  
15          Forces, under the direction of George Bush as Com-  
16          mander in Chief, pursuant to section 3 of the Authoriza-  
17          tion for the Use of Force which President Bush requested,  
18          invaded Iraq and occupies it to this day, at the cost of  
19          4,116 lives of servicemen and -women, injuries to over  
20          30,000 of our troops, the deaths of over 1 million innocent  
21          Iraqi civilians, the destruction of Iraq, and a long-term  
22          cost of over \$3 trillion.

23          President Bush’s misrepresentations to Congress to  
24          induce passage of a use of force resolution is subversive  
25          of the constitutional system of checks and balances, de-

1 structive of Congress's sole prerogative to declare war  
2 under article I, section 8 of the Constitution, and is there-  
3 fore a High Crime. An even greater offense by the Presi-  
4 dent of the United States occurs in his capacity as Com-  
5 mander in Chief, because he knowingly placed the men  
6 and women of the United States Armed Forces in harm's  
7 way, jeopardizing their lives and their families' future, for  
8 reasons that to this date have not been established in fact.

9       In all of these actions and decisions, President  
10 George W. Bush has acted in a manner contrary to his  
11 trust as President and Commander in Chief, and subver-  
12 sive of constitutional government, to the prejudice of the  
13 cause of law and justice and to the manifest injury of the  
14 people of the United States and of those members of the  
15 Armed Forces who put their lives on the line pursuant  
16 to the falsehoods of the President.

17       Wherefore, President George W. Bush, by such con-  
18 duct, is guilty of an impeachable offense warranting re-  
19 moval from office.

○